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2021 APR 20 AM 6:24  
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U.S. DISTRICT COURT

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**IN THE UNITED STATES DISTRICT COURT DISTRICT FOR  
THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**RUSSELL G. GREER,**

Plaintiff

v.

**JOSHUA MOON**, publisher of the website  
Kiwi Farms, **and KIWI FARMS**, a website

Defendants

**PLAINTIFF'S REPLY TO  
DEFENDANTS' OPPOSITION  
RESPONSE TO PLAINTIFF'S MOTION  
FOR  
PRELIMINARY INJUNCTION**

**ORAL ARGUMENT REQUESTED**

Case No.: 2:20-cv-00647

Judge Tena Campbell  
Magistrate Judge Jared C. Bennett

## INTRODUCTION

Plaintiff Greer files this reply to Defendants' Opposition Motion within the statutory 14 day reply timeframe. In this Reply, Plaintiff will not address Factor I of the four factors for a preliminary injunction. He will not delve into the rebuttals of Defendants' arguments on the claims, as he addresses Defendants' contentions in his Opposition Motion to Dismiss, which will soon follow because he has a longer deadline to file that particular motion, per *DUCivR 7-1*. However, Plaintiff does have a likelihood to succeed on all of his claims.

What Plaintiff hopes to do with this reply is to address Defendants' response in regards to factors II, III and IV.

## ARGUMENT

The question that faces this Court regarding the preliminary injunction is: who will suffer the greater harm if this injunction is or isn't granted? Addressing the latter three factors of the four factor analysis, Plaintiff will rebut what Defendants wrote and address that 1. there will be irreparable harm if this injunction is not granted, 2. Plaintiff's injuries outweighs any harm Defendants would receive and lastly, 3. The injunction will benefit the public interest.

### **I. IRREPARABLE HARM IF INJUNCTION NOT GRANTED**

A lot has transpired since Plaintiff filed his Complaint last year in September 2020. The harassment from the users on Kiwi Farms has continued. Specific instances of harassment include:

In November of 2020, Plaintiff notifies his criminal defense attorney that he is receiving physical hate mail. EXHIBIT A

On December 28<sup>th</sup>, 2020, an Instagram profile sent Plaintiff a threat, saying, "watch me shoot at your peoples." It later said, "U bouta be on a t shirt bitch ass nigga." The user

then ended with, “ik [I know] where you stay too.” EXHIBIT B. That same day, another profile messaged Greer and said, “I’m finna come through and kick yo lil door down.”

On February 10<sup>th</sup>, a fake profile messages Greer and says, “Are you that Taylor Swift stalker?” EXHIBIT C. The endless barrage of messages causes Plaintiff to turn off receiving messages from unknown people.

A week later, on February 16<sup>th</sup>, feeling that his life is in danger, Plaintiff buys a stun gun for self-defense. EXHIBIT D.

On March 23<sup>rd</sup>, an emailer by the name of Clemente Gooseman emails Plaintiff with a garbled, blathering, FALSE rant about Plaintiff being involved with the KKK and falsely saying that Plaintiff is conspiring with random people he’s never spoken with ever. He calls Plaintiff a “dipshit”. EXHIBIT E. The emailer then ends his message with a second email by calling Plaintiff a “motherfucking stalker.” The email was very alarming. Shortly after, Plaintiff files a criminal complaint online with the Las Vegas Police Department.

On April 10<sup>th</sup>, a day after Defendants’ counsel files their documents, a man named David calls Plaintiff from an unknown number and leaves a message, saying that Defendant has retained Greg Skordas and that Plaintiff is going to receive a “legal smackdown” and calls Plaintiff a “little pipsqueak”. EXHIBIT F. On April 12<sup>th</sup>; David once again calls Plaintiff’s phone and taunts him, claiming he has friends involved in harassing Greer and then goes into a bizarre rant, falsely claiming Plaintiff is five foot three and that Greer is going to lose to Greg Skordas. On April 15<sup>th</sup>, David emails Greer on the email he listed for this case and says, “Skordas is going to blow your pipsqueak ass out of the water.” David then mocks Greer for an audition he never made public, nor does David know that a producer for the show liked the audition (but that’s irrelevant) and so Greer then contacts the LVPD again and they instruct him to come in to sign a victim statement and so that charges

can be filed. On April 16<sup>th</sup>, this David person makes a taunting Facebook comment to Greer and Greer tells David to stop contacting him.

Per the *Federal Rules of Evidence, Rule 301*, Plaintiff can use this months long pattern of harassment and stalking to establish a presumption that these people are coming from Kiwi Farms. “The facts giving rise to the presumption often give rise to an inference that remains and may still be considered by the factfinder.” *Nunley v. City of Los Angeles*, 52 F.3d 792 (9<sup>th</sup> Cir. 1995). This presumption is established because it happens continuously and the harassing mentions things only those connected to Kiwi Farms would know about. So for Defendants to say that harms have already occurred, that they’re long past, and so that there is nothing further to see, is patently false. Harms are CONTINUING to harm Plaintiff. It’s a never-ending pattern that he’s had to ensure. Since 2017, Greer has posted public social media posts asking Kiwi Farms to leave him alone. EXHIBIT G. For those four years, those close to Plaintiff advised him to ignore the trolls. They advised him to post and do things that are normal, that wouldn’t cause the haters to go into a frenzy, but to no avail has it stopped. Greer has talked about the trolls with counselors. While mulling over the prospect of suing Defendants, Greer reached out to Senators to try changing the law to shutter Moon’s site, so that the harassment could stop. But his pleas fell upon deaf ears. Greer has naively hoped that Defendants would grow tired of what they do and delete their website and move on. Wishful thinking.

The facts in Plaintiff’s Complaint do not show that Defendants have given more interest to his works than there would have been before. His users have done the opposite. They have uploaded copies of his works to Kiwi Farms for anybody to download, even after written notice from Plaintiff for them to be removed, telling each other to deprive Greer of money. As shown, the users on Moon’s site have trashed Greer’s works with hate sprees and one star reviews. To any objective person, upon seeing bad reviews, it would make it seem that Greer just is terrible at music and writing, as seen in the Complaint with the book marketer refusing to market the book

because of the bad reviews. (Doc. 3, Exhibit P). But the truth is farther from that: people not connected to Kiwi Farms have said that they like Greer's music. EXHIBIT H. But not everybody has been understanding or open. By nature, humans are gullible and if one stars are written, then they believe the worst. Publicists have been interested in representing Greer until they find the warnings and "truths" written by Moon's users and then they do an about-face, doing a sudden reversal of direction. Because of the hate sprees, Greer hasn't been able to get into the entertainment industry.

Greer actually recently discovered that people have called Greer a Rapist on Amazon, on his book reviews, and he can't remove the reviews. A girl that Greer was interested in dating, saw the reviews and was inclined to believe them than listening to what Greer had to say. EXHIBIT I. Family members have had to distance themselves from Greer because they fear the users on Kiwi Farms. Friends of Greer have said that users on that site have contacted them.

Greer's most recent copyright, "Yo, Yovanna!" (Copyrighted in 2020) was put onto Kiwi Farms. The person who went by the name of David, who was harassing Greer, stated that Greer's audition video from early 2021, that Greer never made public, was placed onto the site in the last month. While Drafting his Complaint, Greer discovered other unreleased works were placed onto Kiwi Farms, as explained in Doc 3.. This harassment is never going to end. Greer can't trust people now because he does not know if they are working with Kiwi Farms or if they are truly fans or interested in Greer. This is how Plaintiff is harmed. His life is ruined. His reputation is smeared. His dreams are unobtainable. The most important thing to a person, their name, is tarnished. Greer has considered changing his name legally, but doesn't know if the trolls would still find him.

Make no mistake about it, by the admission of the users on that site, their goal is to ruin lives. As evidenced in a discussion on that site, a user asks if a "Lolcow" has ever "won?" Meaning, has a victim of that site ever risen above their harassment. The heading of the

discussion then says, “No matter what, the farms always win.” Above the discussion is a quote they took from Greer’s Complaint in the present case. EXHIBIT J. Shutting down Kiwi Farms will get rid of a place for these sick individuals to gather — that’s what an injunction will do. Plaintiff has indeed shown that he is continuing to suffer irreparable harm.

## **II. PLAINTIFF’S INJURIES OUTWEIGH DEFENDANTS’**

In Defendant’s own words, as written on his website, it costs around \$1,000.00 for him to operate Kiwi Farms on a monthly basis. So obviously, he is bringing in a lot of money by showcasing and exploiting those he deems to be eccentric. Further, by his own admission, mainstream sites like PayPal and Stripe have refused to do business with his site because of the nature of the site. And for good reason: people shouldn’t profit off of the suffering and exploitation of others.

To put it best: Kiwi Farms is the modern version of the human zoos that existed around the turn of 20<sup>th</sup> century. Like the Pigmy people confined in the human zoos of New York in 1905, for onlookers to laugh at, so is Plaintiff and others confined to Kiwi Farms. No matter how much Greer tries ignoring that site, no matter how much he begs Moon to remove his stuff, pleading is futile, because for some reason, Greer is less of a person to the users on that site and so people have violated his works and his privacy and his reputation because to them, Greer isn’t a person — he’s a “Lolcow”. People shouldn’t be profiting off of the misery of others. On his site, Moon says that Kiwi Farms is his only way to make income because he describes himself as “unemployable”. By way of professional and friendly advice, Greer suggests that if Moon wants to change his life for the better, Moon should issue a public apology for the harm he had caused so many people and then delete his site. But Moon won’t do that.

This request for an injunction isn’t meant to personally harm Moon, it is to seek redress and put an end to the harms that Greer and many others have suffered. Greer cited in

his injunction the case of *Gersh*. One's First Amendment rights do not give them the right to harass others in a concerted way. Moon's actions have become one and synonymous with his users'. No matter how much Moon reminds his users not to contact Greer, they still do. Moon has given these users a platform. So obviously, action needs to be taken by this Court.

### **III. THE INJUNCTION WILL BENEFIT THE PUBLIC INTEREST**

There seems to be a dichotomy with the term "public", because the public that Defendant refers to is not the general consuming public. No, the public that frequents Defendant's site is generally composed of not so good people. According to the Southern Poverty Law Center, a user of Moon's site has been involved with a mass shooting (the New Mexico 2017 school shooting) and another was involved in a mass shooting plot, noting that both users had Alt-Right connections. *New Mexico School Shooter Had Secret Life on Pro-Trump White-Supremacy Sites*. The Daily Beast. (2017)

(<https://www.thedailybeast.com/new-mexico-school-shooter-had-secret-life-on-pro-trump-white-supremacy-sites>). EXHIBIT K.

Recognizing that Kiwi Farms is a hub for hate, the nation of Australia banned access to the website after Moon refused to remove videos of the New Zealand Mosque Shooting.

*Australia Bans Bitchute, Archive.is, Kiwifarms, Liveleak, 4chan and 8ch.net*. Newsy. (2019). (<https://newsy.com.au/australia-bans-bitchute-archive-is-kiwifarms-liveleak-and-8ch-net/>).

Companies such as Redbubble, PayPal, Bitcoin, Google Ads and Patreon have banned Kiwi Farms, information that was gathered by a victim of Kiwi Farms, who tracks Defendant Moon. (<https://samambreen.wordpress.com/tag/dynastia/>). So the answer is no. The public and many private companies obviously do not want to do business with Defendants, due to the nature of his site.

Plaintiff is astounded that Defendant would downplay the suicide of “only one person”. Isn’t one too many? But to please Defendants, here are the confirmed people who have killed themselves because of the hate stemming from Kiwi Farms: Julie Terryberry killed herself in June 2016 and was a victim of Kiwi Farms. ([https://lolcow.wiki/wiki/Julie\\_Terryberry](https://lolcow.wiki/wiki/Julie_Terryberry)). Chloe Sagal in 2018 and her death garnered much attention. *Transgender game developer who’d been bullied online dies by suicide*. The Daily Dot. (2018). Other publications carried her death and they reference Kiwi Farms as being the causation. Those publications include: the Daily Mail, Variety, Black Christian News, Express Digest and Oregon Live. Nicholas McCrary also in 2018. ([http://thegrandadmiral.com/2018/10/02/rip-nicholas-mccrary-lessons-we-can-learn/?fbclid=IwAR3VKC8ocmbuhRQgaGwUedoTtF-9YPxOyy1HKh\\_Toio2y9olzgXh5SE9Dao](http://thegrandadmiral.com/2018/10/02/rip-nicholas-mccrary-lessons-we-can-learn/?fbclid=IwAR3VKC8ocmbuhRQgaGwUedoTtF-9YPxOyy1HKh_Toio2y9olzgXh5SE9Dao)). And then in June 2019, a YouTuber named Desmond Amofah killed himself. Although there are many articles on his death, they don’t specifically mention Kiwi Farms, however, KF did have a thread about him. In total, four people have died at the hands of Kiwi Farms. There is a change.org petition with over 6,000 signatures that is calling for the removal of Kiwi Farms. Though such petitions carry no legal force, they do show that many people have an interest in removing Defendant’s site. EXHIBIT L. Some of the people signing have left condolences for victims. Others have detailed their own bullying experiences with Kiwi Farms. Others have called for Defendants to be held legally responsible.

When Julie killed herself, Defendant Moon posted on his website, under the name of Null, and expressed sorrow about her death. However, he unabashedly remarked: “this is an entertainment forum and we like to be entertained...this most frequently means “Don’t get angry”, but it should also extend to sorrow and guilt. **It is incredibly arrogant to think that your account on this irrelevant, obscure Internet forum has somehow ended someone’s life.”** EXHIBIT M.. What is arrogant is to think that words don’t hurt. That emailing somebody at 3 AM and saying lies about them doesn’t hurt. That refusing to remove somebody’s

intellectual property that they invested thousands of dollars in and then posting their requests online doesn't hurt. That leaving unwarranted one star reviews on people's works doesn't hurt. Well, It hurts. As evidenced, words kill. Words have killed four people by Defendants' users.

As Plaintiff has stated, this isn't your regular forum. As shown, they conspire, they post copyrighted material of others, they engage in hate sprees, they bully. Even if Moon isn't doing it all himself, he has given substantial assistance to the infringement by providing a platform. *Gersh v. Anglin*, (2018). *Gersh* is a very great case, with a similar fact pattern that this Court should follow. As shown in the Complaint, Moon has engaged in the commentary and harassment himself by posting Greer's DMCA requests, which in turn, his users would taunt Greer.

### **Request for Oral Argument**

Plaintiff recognizes that much is at stake with this injunction and he so he requests an oral argument for this motion, only if the Court feels it necessary.

### **Conclusion**

Plaintiff concludes that he has shown that he has met all four standards for a preliminary injunction. He has shown that the public has an interest in this injunction. He has shown he will suffer greater harm than Defendant. Plaintiff is not an exhibit or a circus freak. He is a human and so he moves this Court for an injunction.

Respectfully

DATED: April 19<sup>th</sup>, 2021

Respectfully submitted,

By:

Russell Greer



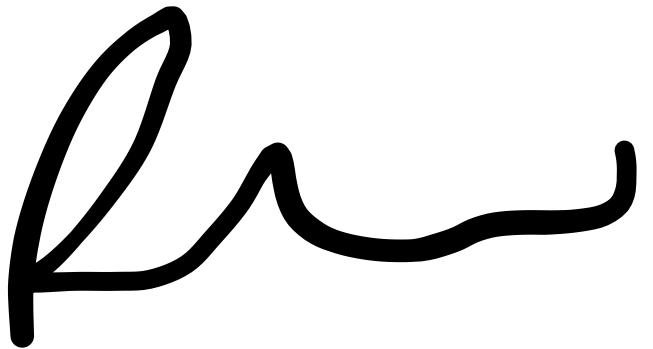
**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2021, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court and sent such filing to the following via email:

Michelle Phelps  
mphelps@schhlaw.com

Greg Skordas  
gskordas@schhlaw.com

/s/ Russell Greer  
Russell Greer  
Pro Se

A handwritten signature in black ink, appearing to read "Russell Greer", is positioned below the typed certificate of service.